

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner lives with her husband and two minor children. The minor children's health needs are covered by Dr. Dynasaur.
2. The petitioner and her husband received VHAP benefits. Each adult had a \$33 monthly premium.
3. The Department sent petitioner a Notice dated October 17, 2008 informing her that her VHAP coverage would close effective October 31, 2008 because the Department had not received her premium. Petitioner was informed that if

the Department received her premium payment before her coverage ended, her VHAP coverage would continue.

4. Petitioner was unable to pay her premium before October 31, 2008 because she did not receive her unemployment compensation benefits in sufficient time to do so. Petitioner notified the Department that her payment would be late.

5. Petitioner sent the Department a check for her premium payment dated October 31, 2008. The Department received and processed the premium payment on or about November 6, 2008.

6. Petitioner's VHAP eligibility was activated on or about November 6, 2008. She has been covered by VHAP since that period.

7. During the week petitioner did not have VHAP coverage, she incurred a doctor's bill for \$150.

ORDER

The Department's decision is affirmed.

REASONS

In response to a legislative directive (Act 66 of 2003) to enact cost-savings measures designed to sustain public health care assistance programs, the Department adopted

regulations establishing monthly premiums to be paid prospectively by VHAP recipients beginning on January 1, 2004. W.A.M. § 4001.91. The regulations allow the Department to disenroll an individual who does not pay the required premium by the billing deadline. There is no automatic grace period for late payments. W.A.M. § 4002.3(B).

In this case, there is no dispute that the petitioner did not pay her premium by the October 31, 2008 deadline and that she was properly notified by the Department of the closure of her VHAP benefits by that date.

There is also no dispute that the Department reinstated the petitioner's VHAP coverage upon receipt of her premium. Unfortunately, the regulations make no provision for retroactive reinstatement of coverage after a closure for nonpayment of a premium.

Since the Department's decision is in accord with the pertinent regulations, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4(D).

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